



**SPECIAL MEETING
MINUTES OF ACTIONS
Wednesday, February 13, 2013
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

SPECIAL MEETING – 5:30 PM (OPEN SESSION)

PLEDGE OF ALLEGIANCE

Chairwoman Roberts asked for a moment of silence in memory of Fallen RPD Officer Michael Crain and Fallen San Bernardino Sheriff Deputy Detective Joshua MacKay.

Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	S	✓	✓	LE (6:47)	✓	✓	✓	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early ■ = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

There were no public comments.

Officer-Involved Death (OID) Case Evaluation

'Thank You' to Commissioner Art Santore for his service to the City of Riverside as a CPRC Commissioner from 2007 to 2013.

Mr. Hauptmann presented Commissioner Santore with a gift from the Commission, memorializing his service six years with the CPRC and thanking him for his time and hard work.

Chairwoman Roberts thanked Commissioner Santore for his assistance through the years.

Commissioner Rotker said that it was a privilege to serve with Commissioner Santore, noting that he was always well prepared.

Commissioner Santore thanked the Commission, saying that it was good to know that they could agree to disagree and come back to the next meeting still able to work well together.

Officer-Involved Death (OID) Case Evaluation

A) Continue Pablo OID Case Evaluation

Chairwoman Roberts began discussion, noting the Commission was at Stage 3 in the evaluation process.

Mr. Hauptmann said that the training that had been scheduled for this meeting was postponed due to the recent events that took the life of RPD Officer Crain. The training would be rescheduled for a future meeting.

Commissioner Santore spoke about intersections and crosswalks, how they work, and that the raised medium in the middle of Madison should have indicated to Ms. Pablo that she shouldn't cross there.

Chairwoman Roberts asked about the Use of Force policy and how it would apply in this incident. Mr. Hauptmann said that use of force was not a concern in this incident and that this policy would not apply because of the nature of this incident.

Chairwoman Roberts then asked if only the Calif. Vehicle Code (CVC) would be applicable in this incident. Mr. Hauptmann confirmed that they would, along with certain RPD policies pertaining to the operation of a police unit.

Commissioner Santore noted that there would have to be intent on the part of the officer to hit Ms. Pablo, but that he reacted quicker than most people would have. Mr. Hauptmann said that the officer's actions could be reviewed: did his actions contribute to the death of Ms. Pablo. He said that it might be helpful to review RPD's policies regarding the operation of a police unit as well as the training that that officers are given for driving during emergency situations. He noted that RPD has driver training and updates and that he would ask for that to be added to the training presentation.

Commissioner Johnson said the commissioners needed to review RPD Policy 4.40 regarding MDT training. Mr. Hauptmann said he would get the policies and CVCs and post them for the commissioners to review.

Commissioner Rotker noted that RPD said Ms. Pablo was guilty of a traffic violation and that the overall circumstances should be mentioned with the rationale is written. He also said he would like to know if Ms. Pablo was guilty of a violation. Mr. Hauptmann said that both the officer's and Ms. Pablo's actions are being reviewed. He also noted that the Commission has accepted Mr. Bellino's report as factual. Mr. Hauptmann said that if there are any questions regarding the CVCs, he will have someone, either from RPD or CHP, come in and explain the codes.

Vice-Chair Jackson said the CVC was mentioned in RPD's report. She also noted that in the report, Officer Prince said that the officer and Ms. Pablo have a shared responsibility. She asked if "B" played into this and applied in this case. Mr. Hauptmann said that when responsibility is shared, the driver has to use due care when driving and that it's the same with pedestrian. He said that the driver and pedestrian share a responsibility for using due care; Mr. Bellino could probably explain this very well and if there's a concern, he would ask Mr. Bellino to clarify.

Vice-Chair Jackson said she also had a question regarding the speed and if it could be answered, it would help in her evaluation of Section B. Mr. Hauptmann said he could ask Mr. Bellino to return.

Commissioner Adams said she read that the opposing driver waved her to cross before realizing the officer hadn't seen her, at which time he began honking his horn; she believes it's not all Ms. Pablo's fault.

Commissioner Johnson said Mr. Bellino portioned out fault which at 50 / 50. Commissioner Johnson said he would assign 40% to the officer, 30% to Ms. Pablo, and the other 30% to an out-of-date policy. Tasks should be very important if they need to be done while driving.

Commissioner Ortiz asked if there were two issues: was there negligence? Ms. Pablo was negligent. The second part is if there was negligence, Mr. Bellino put the negligence on Ms. Pablo, not the officer. The speeds were also discussed with Mr. Bellino in depth. Even if the officer was negligent, it doesn't mean the negligence caused the incident.

Commissioner Adams said that if the officer's reaction time was fast while multi-tasking, would he have been able to react faster if he hadn't been; what does RPD policy say about officers using city equipment for personal business.

Paul Chavez said he disagrees with many things Mr. Bellino said; his conclusion that the fault lies with Ms. Pablo. The officer said he didn't see Ms. Pablo, but Mr. Bellino says the officer must have seen her. Mr. Chavez said he hopes the report is more closely analyzed because it has lots of loop holes.

Morris Mendoza asked what would have happened if the officer had pulled over to text; what would have happened if the shrubs were lower; many 'what ifs'. He said that the Commission has a tough decision to make. He also noted that the speed limit on that street should be lowered.

Vice-Chair Jackson clarified the term "text" in that the officer was on his MDT, not his phone.

Donald Gallegos said he believed both parties were at fault. He said he would like to see the policy updated to where officers can use MDTs while driving only if there's an emergency. Common sense says that it has to be used, but a policy change would protect officers and citizens.

Christina Duran said there is much concern about RPD's policy on multi-tasking. To protect officers and the community, the Commission should review the policy.

B) Continue Romo OID Case Evaluation

Chairwoman Roberts advised that the fact sheet has been provided.

Commissioner Rotker commented on the revised format of the fact sheet. Commissioner Santore responded, the fact sheet is only a tool and contains facts that are to be found by commissioners in the training they receive and in their review of the casebook. The fact sheet shouldn't keep the Commission from moving forward with the case.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the fact sheet, as presented, be accepted	Santore	Jackson	Unanimous	0	0

Chairwoman Roberts asked how measurements are taken at the incident scene and if the Commission could get training on that.

Vice-Chair Jackson also asked about RPD's policy regarding back-up clips; also on search warrants and RPD's tactics: what is done if officers know there are weapons at the location. Mr. Hauptmann said he would post the policy regarding search warrants.

Commissioner Rotker asked about the photos of Mr. Romo's notes and letters that were inventoried by evidence technicians. He noted that he had been told that copies of those items would be available in the near future. Mr. Hauptmann said that the notes that were written were actually put into the report, but that the request had been to see copies of the actual notes. He said that the notes first have to be found, then removed from evidence, copies made, then returned to evidence. He said he was waiting to hear from D/C Blakely as to why there might be a delay.

C) Continue Ledezma OID Case Evaluation

Chairwoman Roberts asked that commissioners continue their review of this case and discussion would begin at a future meeting.

2012 Annual Report

Discussion and action, if any, on Draft No. 1 of the 2012 Annual Report.

As discussion began, Commissioner Santore made a motion that the report be approved as submitted. Chairwoman Roberts advised that the report was not yet ready for final approval. The motion died for lack of a second.

Commissioner Rotker asked about rescheduling of the group photo that was to have been taken prior to the meeting. Chairwoman Roberts said that the plan is to reschedule and asked commissioners to send date and time availability to Ms. Sherron.

Commissioner Santore said that the 2013 Annual Report Ad-hoc Committee should be formed now. Chairwoman Roberts said there is no data for this year's report. She noted that the annual report would be agendaized for further discussion at the next meeting.

Staff Report

Mr. Hauptmann reminded commissioners that the 2013 CPRC Officer Elections would be taking place during the first meeting in March.

Vice-Chair Jackson nominated Chairwoman Roberts to continue in her current position; Chairwoman Roberts nominated Vice-Chair Jackson to continue in her current position as well. Both commissioners accepted the nominations.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Adams said it would be nice for the Commission to donate to the RPOA's Assistance Fund for Officer Crain's family. Mr. Hauptmann said anyone interested in participating could send their donations to him and he would personally deliver the money to RPOA.

Items for Future Commission Consideration

There were no items for future consideration.

Adjournment

The Commission adjourned at 7:12 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist